

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ADAM BROWN, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

LEARFIELD COMMUNICATIONS, LLC *et*
al.,

Defendants.

Case No. 1:23-cv-00374-DAE

Hon. David A. Ezra

UNITED STATES OF AMERICA'S NOTICE OF SUPPLEMENTAL AUTHORITY

The United States of America, by and through its undersigned counsel, hereby gives notice of the Memorandum and Order in *Saunders v. Hearst Television, Inc.*, No. 23-cv-10998-RGS, 2024 U.S. Dist. LEXIS 5868 (D. Mass. Jan. 11, 2024), which is relevant to the Court's consideration of the constitutional challenge to the Video Privacy Protection Act ("VPPA"), 18 U.S.C. § 2710. *See* ECF No. 39 (Defendants' Motion to Dismiss); ECF No. 42-1 (United States' brief in defense of the constitutionality of the VPPA). In *Saunders*, the court denied Defendant Hearst's Motion to Dismiss a VPPA claim, finding that the VPPA was constitutional as applied to Hearst. *See* *Saunders*, 2024 U.S. Dist. LEXIS 5868, at *12–14. A copy of the decision is attached.

Date: January 16, 2024

Respectfully submitted,

BRIAN M. BOYNTON
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/s/ Bonnie E. Devany
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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2024, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants for this matter.

/s/ Bonnie E. Devany
BONNIE E. DEVANY